

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

(1) GARRY BARNES,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 15-CV-479-JHP
)	
(1) RURAL WATER DISTRICT #4,)	District Court of Wagoner County
(2) RICK LANG, Individually,)	Case No. CJ-2015-62
)	Honorable Darrell Shepherd
Defendants.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §1446 and LCvR 81.2, Defendant Rick Lang, files this Notice of Removal. In support of this Notice of Removal, Lang states as follows:

1. Plaintiff brought an action against Rural Water District #4 (the “District”)¹ and Lang, individually in Case No. CJ-2015-62 filed in the District Court of Wagoner County, State of Oklahoma styled *Garry Barnes, Plaintiff v. Rural Water District #4, and Rick Lang, individually, Defendants*.

2. Plaintiff filed his original Petition on February 23, 2015 only against the District. Plaintiff served the District on September 9, 2015.

3. Plaintiff filed a First Amended Petition on November 30, 2015 and added Lang as a party.

4. Lang accepted service on December 1, 2015.

5. Lang is filing this notice within 30 days after being named a party and

¹ Defendant is correctly named as the Wagoner County Rural Water District #4.

receiving the Plaintiff's First Amended Petition.

6. This Court would have had original jurisdiction over the state-court action under 28 U.S.C. § 1331.

7. The state-court action is removable under 28 U.S.C. § 1441(a) & (c) & § 1446(b)(2)(B).

8. The state-court action is not a nonremovable action under 28 U.S.C. § 1445.

9. Pursuant to 28 U.S.C. §1446 and LCvR 81.2, copies of all documents filed in the state-court action, together with a copy of the docket sheet from the Wagoner County District Court, are attached as Exhibits 1-12.

10. Pursuant to 28 U.S.C. § 1446(b)(2)(c), the District consent to the removal of this action.

11. Contemporaneously with this filing, Lang served a Notice of Filing Notice of Removal on Plaintiff and the Court Clerk of the District Court of Wagoner County, Oklahoma.

WHEREFORE, premises considered, Defendant Rick Lang respectfully requests that this Court remove the instant case from the District Court of Wagoner County, State of Oklahoma, into the District Court of the United States for the Eastern District of Oklahoma.

Respectfully submitted,

s/ Sterling E. Pratt

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This will certify that on the 8th day of December, 2015, I electronically transmitted the attached document to the Clerk of the Court using ECF System for filing. Based on the electronic records currently on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the to the following recipients:

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ATTORNEY FOR PLAINTIFF

s/ Sterling E. Pratt

Sterling E. Pratt